IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 17.10.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Habeas Corpus Petition No.800 of 2006

N. Srinivasan ... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai, Egmore,
Chennai-8.

2.The State of Tamil Nadu, rep. by its
Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9. .. Respondents

Petition under Article 226 of the Constitution of India for th issuance of a Writ of Habeas Corpus to call for the records of th first respondent in Memo No.198/BDFGISV/2006 dated 26.07.2006 settin aside the Order of Detention passed therein and direct the respondent to produce the petitioner before this Court, viz., N. Srinivasan, an set him at liberty.

For Petitioner : Mr.R. Ravichandran

For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

..

O R D E R

(Order of the Court was made by P. SATHASIVAM, J.)

The petitioner by name N. Srinivasan, who is detained as ''Bootlegger" as contemplated under the Tamil Nadu Prevention o Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirate Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention orde dated 26.07.2006, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as th learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel appearing for the petitioner by drawing our attention to the First Information Report, which i available at page 24 of the paper book supplied to the detenu, ha submitted that though a case was registered on 17/18.07.2006 at 00.1 hours in Crime No.258/2006 for the offences under Section 4(1-A) o TNP Act on the file of Inspector of Police, Prohibition Enforcemen Wing, Flower Bazaar Unit, Madhavaram, in the arrest memo, even befor registration of the case at 18.30 hours itself the crime number wa assigned. There is no explanation how the crime No.258/2006 wa mentioned in the arrest memo, which was prepared at 18.30 hours o 17.07.2006. In the absence of proper explanation by the perso concerned, we are of the view that such reference made in th arrest memo vitiates the detention order on the ground of no application of mind. On this ground, the detention order is liabl to be quashed and accordingly, the same is quashed.

4. The Habeas Corpus Petition is allowed and the impugned orde of detention is set aside. The detenu is directed to be set a liberty forthwith from the custody unless he is required in some othe case or cause.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2.The Commissioner of Police, Greater Chennai, Egmore, Chennai-8.

3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenue)

4. The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

HCP. No.800 of 2006

mdr(co)
bp/27.10

17.10.2006

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